

06.01.2023
SL No. 6
Court No.3
SB

Circuit Bench of Calcutta High Court
At Jalpaiguri

CRR 14 of 2021
CRAN 1 OF 2022

In the matter of : Nilu Siddique

Mr. Sibaji Kumar Das ... for the petitioner

Mr. Aditi Shankar Chakraborty, Ld. APP
Mr. Arun Kumar Sarkar ... for the State

Mr. Bhaskar Roy Mahashaya ... for the O.P. No. 2

Heard the learned advocates for the parties.

By filing this application under consideration the petitioner is seeking an order of quashment of the proceeding pending before the learned Judicial Magistrate, 1st Court, Jalpaiguri being G.R. Case No. 4161 of 2015 arising out of Bhaktinagar P.S. Case No. 1364 of 2015 dated 28.9.2015 under Sections 385/342/34 of the Indian Penal Code.

Briefly stated that the petitioner is a member of Siliguri Bar Association. Her Husband Md. Abdul Mannan is also a practicing advocate and member of Siliguri Bar.

It is contended by the learned counsel representing the petitioner that on 05.9.2015 on the basis of an information given to the Inspector-in-Charge, Bhaktinagar Police Station, Bhaktinagar P.S. Case No, 1234 of 2015 was registered under Sections 493/376 of the Indian Penal Code read with Section 4 of the POCSO Act, 2012 against one Md. Faizan and his family members.

As a counter blast, the opposite party no. 2 filed a complaint with the Bhaktinagar Police Station based on which Bhaktinagar P.S. Case

No. 1364 of 2015 dated 28.9.2015 was registered under Sections 385/342/34 of the Indian Penal Code and the said police case has given birth to G.R. Case No. 4161 of 2015. It is alleged that the petitioner as well as her husband started harassing the principal accused person of the POCSO Case and his family members and demanded money.

In course of investigation, police examined several witnesses and recorded their statements under Section 161 Cr.P.C. I do not find any ingredient from the aforesaid statement sufficient to implicate Nilu Siddique and to saddle her with criminal liability. Moreover, she is a practicing advocate and the allegation could be considered to be misconduct on the part of the advocate. Provision of Section 35 of the Advocates' Act 1961 is there to take care of such a situation.

Considering the materials collected in course of investigation as well as status of the petitioner, I am of the view that in order to avert the abuse process of law, the proceeding pending before the learned Judicial Magistrate, 1st Court, Jalpaiguri in G.R. Case No. 4161 of 2015 should be quashed qua the petitioner which I accordingly do.

With these observations the criminal revision along with application are disposed of.

Let the copy of the order be sent down to the learned Trial Court for information.

Urgent Photostat certified copy of this order, if applied for, be given to the parties upon completion of requisite formalities.

(Siddhartha Roy Chowdhury, J.)